

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL T. GARRETT,

Plaintiff,

v.

CIRCUIT CITY STORES, INC.,

Defendant.

CIVIL ACTION NO. 3:04-CV-556-M

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED

NOV - 5 2004

CLERK, U.S. DISTRICT COURT  
By Solo  
Deputy

**DEFENDANT'S MOTION FOR STAY**

Defendant Circuit City Stores, Inc. moves the Court for a stay of all proceedings in the District Court pending resolution of the issue of the submission of this matter to arbitration. Circuit City has contemporaneously filed its Notice of Appeal pursuant to §16(a) of the Federal Arbitration Act, 9 U.S.C. §16, seeking review of the order denying its motion to compel arbitration.

For the reasons set forth above, Circuit City prays that this Court enter a stay of all proceedings in this Court pending resolution of the appeal of the issue of the appropriate forum for this dispute.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

  
John G. Harrison

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ATTORNEY FOR DEFENDANT  
CIRCUIT CITY STORES, INC.

**CERTIFICATE OF CONFERENCE**

This is to certify that on the 5th day of November, 2003, I conferred with counsel for Plaintiff, Robert E. Goodman, regarding the relief sought herein and that Plaintiff opposes the requested relief. Mr. Goodman represented that Plaintiff would advise the Court immediately if Plaintiff elected to pursue a Joint Motion for Stay.

  
John G. Harrison

**CERTIFICATE OF SERVICE**

This is to certify that on this 5th day of November, 2004, a true and correct copy of the above and foregoing Defendant's Motion for Stay was forwarded via certified mail, return receipt requested, to Robert E. Goodman, Esq., 5956 Sherry Lane, Suite 800, Dallas, Texas 75225.

  
John G. Harrison